

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHELTON BENOITE,

Plaintiff,

v.

J. DOERER, et al.,

Defendants.

Case No. 1:24-cv-01407-KES-HBK (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND DENYING  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION

Docs. 10, 13

Plaintiff Shelton Benoite is a state prisoner proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 12, 2025, plaintiff filed a motion for class certification. Doc. 10. On March 10, 2025, the assigned magistrate judge issued findings and recommendations recommending plaintiff's motion for class certification be denied because plaintiff is a non-lawyer proceeding without counsel and it is well established that a layperson without counsel cannot bring a class action. Doc. 13. The findings and recommendation contained notice that objections to the Findings and Recommendation were to be filed within fourteen days. *Id.* at 2. Plaintiff filed a motion titled "Motion to Reconsider - Motion to Appoint Counsel," in which he acknowledges the magistrate judge's finding that this case may not proceed as a class action as plaintiff is unrepresented but requests that the Court "reconsider the decision" with his "request to

1 appoint counsel.” Doc. 15. On April 7, 2025, the assigned magistrate judge construed the filing  
2 as a motion to appoint counsel and denied the motion. Doc. 16. Plaintiff has not filed any other  
3 objections to the findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de  
5 novo review of this case. Having carefully reviewed the file, the Court concludes that the  
6 findings and recommendation are supported by the record and by proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations filed on March 10, 2025 (Doc. 13) are adopted in  
9 full;
- 10 2. Plaintiff’s motion to certify a class (Doc. 10) is denied; and
- 11 3. This matter is referred back to the assigned magistrate judge for further proceedings.

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14 IT IS SO ORDERED.

15 Dated: May 15, 2025

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UNITED STATES DISTRICT JUDGE